

REMARKS UNDER 37 C.F.R. 1.111

Reconsideration and allowance are respectfully requested.

New claim 21 is an independent apparatus claim, new claim 31 is a corresponding independent method claim, and new claim 42 is a second independent apparatus claim.

The present application relates to safety apparatus for people working on a structure, the apparatus comprising a vertical support, which is adjustable in length, the support having lower and upper parts each having fixing means to attach the part to a structure, and the upper part being moveable with respect to the lower part and having a supporting cable extending therefrom.

The new independent claims specify that a substantially vertical support comprises "a lower part and an upper part moveable with respect to said lower part" and thus state how the substantially vertical support is adjustable in length. The independent claims further specify that the first fixing means is configured to attach the upper part to a structure and the second fixing means is configured to attach the lower part to a structure. In addition, the independent claims make reference to "safety apparatus for people working on a structure", thus clarifying the field of use of the present invention.

Basis for new proposed claims

Basis for new independent claims 21, 31 and 42 and new dependent claims 22, 32, 28, 38 and 41 can be found in Figures 2, 7, 9, 10, 11 and the accompanying description.

Basis for new dependent claims 23 and 33 can be found in page 5, lines 16-17.

Basis for new dependent claims 24 and 34 can be found in page 5, line 25 to page 6, line 3, Figures 2, 3, 4 at least.

Basis for new dependent claims 25 and 35 can be found in page 6, lines 13-14, Figure 2, page 8, lines 10-14, Figure 4.

Basis for new dependent claims 26 and 36 can be found in page 5, lines 17-19.

Basis for new dependent claims 27 and 37 can be found in page 18, line 24 to page 19, line 1, Figure 12.

Basis for new dependent claims 29 and 39 can be found in page 17, line 23 to page 18, Line 3, Figure 11.

Basis for new dependent claims 30 and 40 can be found in page 6, line 20 to page 7, line 4, Page 7, line 10 to page 8, line 3, Figure 4.

Novelty over U.S. Patent 5,718,305 (Palmer) and U.S. Patent 4,037,824 (Whitmer)

Palmer discloses safety apparatus comprising two vertical post assemblies between which a travelling restraint line is strung, to provide a secure attachment point for a safety harness of a person working on a structure. A post assembly comprises a main post member having a lower extension member and an upper extension member both telescopically mounted therein. Each post assembly is attached to a structure by a roof attachment member which attaches the main post member to the structure, and wall attachment members which attach the lower extension member to

the structure. Due to the telescopic connection between the main post member and the lower post member the vertical distance between the wall and roof attachment assemblies may be adjusted. Following attachment of the main post member and the lower extension member to a structure on which people are working, the upper extension member can be telescopically adjusted to provide a restraint line at a required height above the structure.

Whitmer discloses safety apparatus comprising two vertical post assemblies between which a safety-line-securing-cable is supported, to provide a secure attachment point for a safety harness of a person working on a structural beam. A post assembly comprises an angle structure having a vertical and a horizontal leg, the vertical leg having a column telescopically mounted therein, and the horizontal leg having a fixed and a moveable member arranged as jaws on the underside thereof, to enable the post assembly to be mounted upon a structural beam. Following attachment of the post assembly to a structural beam upon which people are working, the column can be telescopically adjusted to provide a safety-line-securing-cable at a required height above the structural beam.

Both Palmer and Whitmer disclose safety apparatus which does not have an upper part which is unattached while the safety cable is supported and used at a lower height, and attached to a structure when the cable is supported by the apparatus at a higher height. Therefore, new independent claims 21, 31 and 42 are considered to be novel and inventive over both Palmer and Whitmer.

Inventiveness and unobviousness over U.S. Patent 5,718,305  
(Palmer) and U.S. Patent 4,037,824 (Whitmer)

According to the safety apparatus disclosed in Palmer and in Whitmer, to provide the safety cable at two substantially different heights, the safety apparatus must be detached from the structure and reattached at a higher height. Consequently, there is a common problem with the apparatus disclosed in Palmer and in Whitmer, in that during the time between detachment from and re-attachment to the structure, a safety cable is not provided. In contrast, the present invention allows the safety cable to be used continuously at several heights because, in use, the cable can be supported first at a lower level and then at a higher level when the vertical support has been lengthened and the upper part of the vertical support has been attached to the structure on which the people are working. Therefore, new independent claims 21, 31 and 42 are considered to be inventive over both Palmer and Whitmer.

New independent method claim 31 corresponds to new independent apparatus claim 21 and the remaining claims are dependent claims. Consequently all claims on file are considered to be novel, unobvious and inventive over the disclosure in Palmer and the disclosure in Whitmer.

Garcia, Brueske, Pollman, Aaldenberg, Keeton and Ammons were cited in combination with Whitmer and Palmer.

Garcia does not show any safety cable connected to adjustable vertical supports and therefore is not a pertinent reference.

Brueske was cited to show post rings 24 and turn buckles 75 and is not relevant.

Pollman shows a scaffold but not safety cable and is not pertinent.

Aaldenberg, Keeton and Ammons are from completely different arts and are not relevant.

Nothing exists in any of the secondary references which inherently would have suggested combination with Palmer or Whitmer. Therefore no combination of the references would have rendered obvious the invention as claimed.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with markings to show changes made".

#### CONCLUSION

Since Applicant has presented a novel, unique and non-obvious invention, reconsideration and allowance of all claims are respectfully requested.

Respectfully,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claim 1-20 have been cancelled without prejudice.

Claims 21-42 have been added as above.